

REMARKS

Claims 1-5, 7-9, 11 and 16-19 are pending.

Claims 6, 10, and 12-15 were previously cancelled.

Rejections under 35 U.S.C. § 103

Claims 1-5, 7-9, 11 and 16-19 are rejected as being obvious in view of Meade *et al.* (U.S. Patent No. 6,770,261) and Driehuys *et al.* (US 2003/0064023).

The present invention was completed prior to the priority date of Driehuys *et al.*

As discussed below, Applicants made the present invention prior to the September 6, 2002 filing date of Driehuys *et al.* This fact is evidenced by the attach contents of an “*enveloppe Soleau*” filed with the French Patent Office on March 21, 2002 (Exhibit A; Exhibit B is an English translation of Exhibit A).

An *enveloppe Soleau* is a document that allows the authors to prove a date for a document. The authors of an *enveloppe Soleau* send the document to the French Patent Office which punches the *enveloppe Soleau* with the date received. The *enveloppe Soleau* is returned to the authors unopened. The authors may open the *enveloppe Soleau* only in case of a dispute. Here Mr. Franconi filed a *enveloppe Soleau* describing the invention that is the subject of the present claims with the French Patent Office on March 21, 2002. Subsequently, on December 8, 2002 the French patent application, from which the present application claims priority, was filed.

To establish that the presently claimed invention was completed by March 21, 2002, the *enveloppe Soleau* dated March 21, 2002 has been opened by a French notary and translated. As can be seen from the translated document (Exhibit B), the subject matter of claim 1 is described at pages 1-2 as indicated by the comments in bold below each step.

1. (Previously presented) A method for acquiring electromagnetic signals received from at least one part of a body placed in a system comprising means for generating a magnetic induction B_0 , said magnetic induction comprising gradients in certain directions in space, means for transmitting radio frequency wave pulse sequences perpendicular to the magnetic induction B_0 in a range of adjustable

frequencies, and means for detecting electromagnetic signals received from said body part, the method comprising the following steps:

a) injecting, into said body part, an amount of contrast product capable of being temporarily fixed in or of passing through an observed zone of said body part, said contrast product comprising at least one element capable of causing a chemical shift of a resonance frequency of water hydrogen protons;

(See page 1 – description of phantom agent and animal)

b) determining a new resonance frequency, shifted with respect to the Larmor frequency (ν_0) for the water hydrogen protons nearby the contrast product;

(See page 2 – description of procedure)

c) exciting said body part by means of a radio frequency wave pulse sequence in a range of frequencies adjusted according to the magnetic induction B_0 and to the new resonance frequency determined at step b) for at least some of said radio frequency waves;

(See page 2 – description of procedure)

d) detecting, coherently with the excitation of step c), electromagnetic signals received from said body part, said signals corresponding substantially to magnetic resonance signals of the protons of the observed zone having undergone the chemical shift.

(See page 2 – results and Figures)

Thus, the invention was completed prior to the priority date of Driehuys *et al.*

It should be noted that while the *enveloppe Soleau* states that the contents was present in a meeting at the office of *Société Guerbet* on March 14, 2002, this presentation was under a non-disclosure agreement, which is was a included in the *enveloppe Soleau*.

Driehuys *et al.* does not describe a chemical shift of water hydrogen protons

In any case, Driehuys *et al.* does not describe a chemical shift of water hydrogen protons as in the present claims. Instead, Driehuys *et al.* is concerned with a chemical shift in Xeon, a contrast agent. This differs completely from the presently claimed method in which the chemical shift is that of water proton that is caused by a contrast agent. Nothing in the cited references, no matter how combined would suggest this aspect of the presently claimed methods.

Applicant : Jean-Michel Franconi *et al.*
Serial No. : 10/538,826
Filed : June 13, 2005
Page : 8 of 8

Attorney's Docket No.: 19320-002US1 / FR03/03628
US

CONCLUSION

In view of the foregoing, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 19320-002US1.

Respectfully submitted,

Date: 27 October 2009

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

/Anita L. Meiklejohn/
Anita L. Meiklejohn, Ph.D.
Reg. No. 35,283